

REMARKS

Filed herewith are the following:

- (1) a petition for an extension of time whereby the period for response is reset to expire October 26, 2007;
- (2) a Request for Continued Examination;
- (3) a Terminal Disclaimer signed by the undersigned attorney on behalf of M2S, the assignee of the applicant, David T. Chen, including an abstract of title relating to U.S. Patents Nos. 5,765,561, 6,675,032 and 6,690,960;
- (4) a copy of an assignment of parent U.S. Patent Application Ser. No. 10/104,256 from David T. Chen to Medical Metrx Solutions, Inc.; and
- (5) a copy of a Certificate of Amendment to Certificate of Incorporation of Medical Metrx Solutions, Inc. showing its change of name to M2S, Inc., plus a copy of a covering letter indicating that it has been forwarded to the U. S. Patent and Trademark Office for recording.

As a result of this amendment, claims 1-18 are now in the above-identified application.

The specification has been modified to overcome the objections noted by the Examiner.

The Abstract also has been modified to better describe the present invention.

Claim 1 is substantially the same as it was when finally rejected, except that it has been amended to provide for the insertion of a virtual implant in lieu of or addition to the insertion of a virtual graft. The basis for the change to claim 1 is found in the specification, page 39, penultimate paragraph.

Claim 1 (the only claim present for examination at the time the final Official Action of April 26, 2007 was issued) was finally rejected solely on the ground of the non-statutory obviousness-type double patenting doctrine as unpatentable over U. S. Patents Nos. 6,690,960 and 6,675,032. The above-identified terminal disclaimer has been filed in response to that rejection. The disclaimer is submitted by the assignee, M2S, Inc. as assignee of the undivided interest of Applicant Davit T. Chen. The

disclaimer has been signed on behalf of M2S, Inc. by the undersigned attorney. By that disclaimer assignee M2S, Inc. concedes that, subject to certain restrictions permitted by the Rules of Practice, the term of a patent issuing on the present application will be set so as not to expire beyond the term of the first to expire of U.S. Patents Nos. 6,675,032 and 6,690,960.

It is believed that M2S, Inc., as assignee of the undivided interest of Applicant Davit T. Chen, has the right to submit the attached terminal disclaimer. It is believed also that the terminal disclaimer complies fully with the Patent Statutes and the U.S. Patent Office Rules of Practice. Accordingly in the absence of other prior art deemed by the Examiner to be relevant to the issue of novelty or obviousness, Applicants respectfully submit that this amendment places claim 1 in condition for allowance.

New claims 2-18 all depend from claim 1. They are believed to be allowable since they depend from an allowable claim and add other limitations that cover other aspects of the invention.

The foregoing is believed to constitute a complete response to the Official Action.

In view of the foregoing, prompt and favorable reconsideration of the above-identified application is solicited.

Respectfully submitted,

 10/10/07

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